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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,276	04/24/2000	Fred S. Cook	1352	8008

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EXAMINER

ZIA, SYED

ART UNIT PAPER NUMBER

2131

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/556,276

Applicant(s)

COOK, FRED S.

Examiner

Syed Zia

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: -None-.

Claim(s) objected to: -None-.

Claim(s) rejected: 25-40.

Claim(s) withdrawn from consideration: 1-24.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Attachment to Advisory Action

1. This office action is in response to the remarks filed after-final on February 11, 2004 (Paper No.6).

Claim Rejections - 35 USC § 112

2. Regarding **Claim Rejection Based Upon 35 USC § 112** examiner still asserts that specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the steps as recited in claims 25-31, and 33-39 (Please refer previous office action [Paper No. 5] for detail description).

Claim Rejections - 35 USC § 102

3. Applicant argued that cited prior art (CPA) [Toader et al., U.S. Pat. No. 5,749,075] does not teach the claimed invention as indicated independent and dependent claims (Paper No.4 dated June 30, 2003).

Applicant's request for consideration has been fully considered but they are not persuasive because of the following reasons:

CPA clearly teaches and describes a method that provides a PIN number, or access code to the user, which entitles the user to log on to an Internet entry server. The user is prompted to answer a series of queries. This allows the user to access the services for a predetermined time

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once the user has responded to all the queries. Thus, CPA provides paid service connect time allotment to user after authenticating the user.

CPA clearly teaches and describes access communication system that provides access between a user system and plurality of communication networks.

In summary, the examiner asserts that the cited CPA teaches or suggests an access communication system, as broadly claimed and recited in various independent and dependent claims (Paper No.4 dated June 30, 2003).

Applicants still have failed to disclose the novelty of the invention and point out specific claimed limitations that would define a patentable distinction over cited prior arts (Please refer to Paper No.5 dated December 08, 2003). The examiner is not trying to teach the invention but is merely trying to teach the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification (Paper No.5 dated December 08, 2003). Therefore, the examiner asserts that CPA does teach or suggest the subject matter broadly recited in independent claims 25, and 33. Dependent claims 26-31, and 34-40 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action (Paper No. 5). Accordingly, rejections for Claims 25-40 are respectfully maintained

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

February 22, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100